

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

GEMMA WAITE,

Plaintiff

v.

Civil Case No. 1:21-cv-_____

BOTTOMLINE TECHNOLOGIES, INC.,

Defendant

NOTICE OF REMOVAL
AND DEMAND FOR JURY TRIAL

Please take notice that pursuant to 28 U.S.C. §§1441 and 1446, Defendant Bottomline Technologies, Inc. (“Bottomline”), by its attorneys, Jackson Lewis P.C., hereby removes this action from the Superior Court of the State of New Hampshire, Rockingham County, to the United States District Court for the District of New Hampshire.

In support of this Notice of Removal, Defendant states as follows:

1. By Complaint filed on or about February 12, 2021, Plaintiff instituted a claim against Defendant in the Rockingham County Superior Court. In accordance with 28 U.S.C. § 1446(a), true and correct copies of the Summons and Complaint are attached hereto as Exhibit 1 and 2, certified copies of which will be forwarded upon receipt of the state court record from the Rockingham County Superior Court.

2. Pursuant to 28 U.S.C. § 1446(a), this notice of removal is timely filed within thirty (30) days of February 16, 2021, the date on which counsel for Defendant first received the Complaint and Summons.

3. Defendant has not served any answer or responsive pleading to the Complaint, nor made any appearance or argument before the state court.

4. This Court has original jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331. Specifically, Plaintiff is alleging violations of Title VII, §6(b) of the Fair Labor Standards Act (The Equal Pay Act), and the Family and Medical Leave Act (FMLA), as well as other claims pursuant to state law, including retaliation and other statutory violations.

5. Defendant submits this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

6. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiff's state law claims. See 28 U.S.C. §1367(a).

Respectfully Submitted,

BOTTOMLINE TECHNOLOGIES, INC.,
By its attorneys,
JACKSON LEWIS P.C.,

Date: March 18, 2021

By: /s/ K. Joshua Scott
K. Joshua Scott, NH Bar #17479
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Certificate of Service

I hereby certify that copies of the foregoing were this day served on counsel for Plaintiff, Lauren Irwin, Esq. and Heather Burns, Esq., via the Court's ECF system.

Date: March 18, 2021

By: /s/K. Joshua Scott
K. Joshua Scott